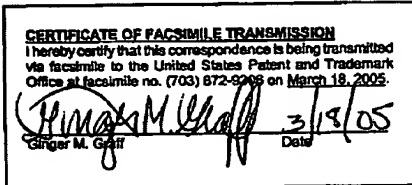


Application Serial No. 09/765,151
Amendment dated March 18, 2005
Reply to Office Action dated November 18, 2004

PATENT



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No: 09/765,151
Filed: January 17, 2001
Applicant: Gilbert R. Gonzales et al.
Title: COMBINATION AND METHOD INCLUDING A VISUAL MARKER
FOR DETERMINING COMPLIANCE WITH A MEDICATION
REGIMEN
Art Unit: 3732
Examiner: Anu Ramana
Attorney Docket: UNSP-04 (now PEDI-27)

Cincinnati, Ohio 45202

March 18, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION

In response to the Office Action dated November 18, 2004, in the above-
identified application, Applicants respond as follows:

Amendments to the Claims are reflected in the Listing of Claims which
begins on page 2 of this paper.

Remarks begin on page 10 of this paper.

06/14/2005 SDIRETA1 00000019 233000 09765151

01 FC:2251 60.00 DA

PAGE 2/26 * RCVD AT 3/18/2005 3:23:34 PM [Eastern Standard Time] * SVR:USPTO-EPXRF-1/6 * DMS:8726306 * CSD:513 241 6234 * DURATION (mm-ss):20-20

Adjustment Date: 06/14/2005 SDIRETA1
03/28/2005 GWOOTEN 00000001 233000 09765151
01 FC:2252 225.00 CR

*Entered in
CPC 03/28/05*

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PATENT, TRADEMARK, COPYRIGHT
AND UNFAIR COMPETITION LAW
AND RELATED LITIGATION

EDMUND P. WOOD 1923-1968
TRUMAN A. HERRON 1935-1976
EDWARD S. EVANS 1936-1971

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May 6, 2005

FACSIMILE COVER SHEET

To: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

Fax: 703-872-9306

From: David E. Jefferies

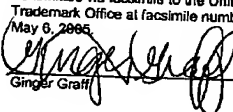
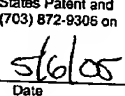
Re: **Request for Refund of Fee for
Extension of Time**
Serial No: 09/765,151
Applicant: Gilbert R. Gonzales et al.
Filing Date: January 17, 2001
Title: **COMBINATION AND
METHOD INCLUDING A VISUAL
MARKER FOR DETERMINING
COMPLIANCE WITH A
MEDICATION REGIMEN**
Art Unit: 3751
Examiner: Anu Ramana
Conf. No.: 6299
Our Ref: PEDI-27 (formerly UNSP-04)

Pages: 9 (including cover sheet)

MESSAGE/COMMENTS

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PATENT

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 Ginger Gratt	 Date

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MAY 06 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No: 09/765,151
Applicant: Gilbert R. Gonzales et al.
Filing Date: January 17, 2001
Title: COMBINATION AND METHOD INCLUDING A VISUAL MARKER FOR DETERMINING COMPLIANCE WITH A MEDICATION REGIMEN
Art Unit: 3751
Examiner: Anu Ramana
Conf. No.: 6299
Atty. Docket: PEDI-27 (formerly UNSP-04)

Cincinnati, Ohio 45202

May 6, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR REFUND OF FEE FOR EXTENSION OF TIME

A response to Office Action dated November 18, 2004 was filed in the above-identified application on March 18, 2005. The Commissioner was authorized to charge our Deposit Account No. 23-3000 in the amount of \$60.00 for the small entity fee for a one-month extension of time as set forth in 37 C.F.R. § 1.17(a)(1). However, our Deposit Account No. 23-3000 was charged \$225.00 on March 28, 2005 for the small entity fee for a two-month extension of time.

This response to Office Action, with a one-month extension of time, was originally transmitted and received by the U.S. Patent and Trademark Office on March 18, 2005 (PTO auto reply attached as Exhibit A hereto). Thus, only a one-month

extension was required, and there is no fee due for an extra extension of time beyond the fee for the one-month extension of time previously authorized.

A copy of our deposit account statement is attached as Exhibit B. It is believed that the U.S. Patent and Trademark Office has erroneously charged our deposit account \$225.00 for a two-month extension of time. Therefore, Applicants are entitled to a refund in the amount of \$165.00, which equals the amount overcharged, under 37 C.F.R. § 1.26(a).

Please forward a refund check in the amount of \$165.00 to the undersigned at the address below at your earliest possible convenience.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By 
David E. Jefferies, Reg. No. 46,800

Wood, Herron & Evans, L.L.P.
2700 Carew Tower
Cincinnati, Ohio 45202
(513) 241-2324 (voice)
(513) 421-7269 (facsimile)

MAY-06-2005 14:25

513 241 6234

513 241 6234 P.04

Exhibit A



Auto-Reply Facsimile Transmission

TO:

Fax Sender at 513 241 6234

Fax Information

Date Received:

Total Pages:

3/18/2005 3:23:34 PM [Eastern Standard Time]

69 (including cover page)

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Received
Cover
Page
=====>

MR-10-2005 18:28	513 241 6234	513 241 6234 P.01
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WOOL, HERRON & EVANS, L.L.P.

1000 LEXINGTON AVENUE
SUITE 2000
NEW YORK, NY 10017-4803
TEL: 212 512 2000
FAX: 212 512 2001
WWW.WOOLHERRONANDEVANS.COM

March 11, 2005

FACSIMILE COVER SHEET

To: Art Unit 3732
Examiner: Anne Rasmussen

From: David E. Hoffmann

Re: Serial No. 06/765,121
Filed: January 17, 2001
Applicant: Gilbert E. Gonzalez et al.
COMBINATION AND METHOD
INCLUDING A VIRTUAL MARKER
FOR DETERMINING COMPLIANCE
WITH A REGISTRATION REGIMEN
Art Unit 3732
Receiving: Anne Rasmussen
A Message Under: USPTO-04 (non-
FEED-27)

Pages: 70 (including cover sheet)

MESSAGE/COMMENTS

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PAGE 001 * RCVD AT 3/18/2005 3:23:34 PM [Eastern Standard Time] * SVR:USPTO-EFAXF-1/2 * DNIS:8729306 * CSD:513 241 6234 * DURATION (mm-ss):02:58

Auto-reply fax to 513 241 6234 COMPANY:



Auto-Reply Facsimile Transmission

TO:

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Fax Information

Date Received:

Total Pages:

3/18/2005 3:43:59 PM [Eastern Standard Time]

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813 243 6234

513 241 6234 P.01/80

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**Patent, Trademark, Copyright
and Unfair Competition Law
and Related Litigation**

March 18, 2005

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WALTER S. FINE-CHOW

A. CHASE H. FORTENBERRY, JR.
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P. ANDREW BLATT, Ph.D.
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WILLIAM R. ALLAN, Ph.D.
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DAVID W. COFFMAN
SARAH OTTE S. RAND
STEVEN W. ROSENTHAL, Ph.D.
FRANCIS S. WACHSBERG, Ph.D.

TECHNICAL ASSISTANTS
WALTER W. LARSON, Ph.D.

YACUMILE COVER SHEET

To: Art Unit: 3732
Examiner: Ana Ruzman
Fax: 703-572-9306

From: David H. Jefferson
Re: Serial No: 09765,151
Filed: January 17, 2001
Applicant: Gilbert R. Gonzales et al.
COMBINATION AND METHOD
INCLUDING A VISUAL MARKER
FOR DETERMINING COMPLIANCE
WITH A MEDICATION REGIMEN
Art Unit: 3732
Examiner: Ana Ramona
Attorney Docket: UNSP-04 (now
PEDI-27)

PAGES: 2 (including cover sheet)

MESSAGE/COMMENTS

[illegible]

Exhibit B

Deposit Account Statement

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Statement
Month:
Deposit
Account
Number:

Mar-05

233000

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	ATTORNEY
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3-Mar	75	29224280 RVI-671C-107		1312	\$100.00	DFF
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4-Mar	224	5233663 DSP-3		8021	\$40.00	DFF
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7-Mar	341	76600301 114		7001	\$325.00	KLG
8-Mar	5	10501887 KANIA-04		2614	\$86.00	BAL
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9-Mar	9	10718325 WUE-29		1801	\$790.00	TJB
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CHARGED \$395.00 IN ELITE

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11-Mar	62 857	GMED-07WO	1703	\$364.00 KAS
	PCT/US05/06			
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14-Mar	2	9878744 DDY / 46	1253	\$950.00 WLJ
14-Mar	3	9878744 DDY / 46	1801	\$770.00 WLJ
14-Mar	4	9878744 DDY / 46	1201	\$172.00 WLJ
14-Mar	33	76632905 FSI-109A	6001	\$40.00 KGR
14-Mar	34	10906912 NOR-1226	1202	\$150.00 KGR
14-Mar	35	10906912 NOR-1226	1311	\$200.00 KGR
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14-Mar	55	76087963 1219 ROBL-17-	8004	\$300.00 DEP
14-Mar	56	76087963 1219 ROBL-17-	8004	\$450.00 DEP
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14-Mar	58	76087963 1219	6005	\$100.00 DEP
15-Mar	3	10083001 DDL/19	2201	\$400.00 KRH
18-Mar	1	10452387 DPSI/ 04A	1253	\$1,020.00 DAS
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18-Mar	265	1322196 L&P	8521	\$40.00 JDP
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21-Mar	10	10000276 OPME/05	2202	\$675.00 DHB
21-Mar	11	10000276 OPME/05	2201	\$300.00 DHB
21-Mar	600	78590725 FLYA-05	7001	\$325.00 TWH
22-Mar	1	10189060 HILB/456C3	1251	\$120.00 WLJ
22-Mar	2	10189060 HILB/456C3	1814	\$130.00 WLJ
22-Mar	4	10884941 LANT-C02DV	2814	\$65.00 KRH
22-Mar	5	10884941 LANT-C02DV	2201	\$200.00 KRH
22-Mar	191	2185957 MIDTF-392T2	8503	\$15.00 TWF
25-Mar	179	11021198 PMAN/38	2051	\$85.00 BAL
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28-Mar	2	9785151 PEDI-27	2202	\$25.00 DEJ
28-Mar	7	60640882 GYTR-27	8021	\$40.00 CHL
30-Mar	1	10245178 POUR-15R	1806	\$180.00 KRH
30-Mar	159	10350612 PPO/11A	2501	\$700.00 DSS

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